

# Senate File 452 - Reprinted

SENATE FILE 452

BY COMMITTEE ON APPROPRIATIONS

(As Amended and Passed by the Senate April 29, 2013)

## A BILL FOR

1 An Act relating to state and local finances by making  
2 appropriations, providing for fees, providing for legal  
3 responsibilities, providing for certain employee benefits,  
4 and providing for properly related matters, and including  
5 effective date and retroactive and other applicability  
6 provisions.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

STANDING APPROPRIATIONS AND RELATED MATTERS

Section 1. BUDGET PROCESS FOR FISCAL YEAR 2014-2015.

1. For the budget process applicable to the fiscal year beginning July 1, 2014, on or before October 1, 2013, in lieu of the information specified in section 8.23, subsection 1, unnumbered paragraph 1, and paragraph "a", all departments and establishments of the government shall transmit to the director of the department of management, on blanks to be furnished by the director, estimates of their expenditure requirements, including every proposed expenditure, for the ensuing fiscal year, together with supporting data and explanations as called for by the director of the department of management after consultation with the legislative services agency.

2. The estimates of expenditure requirements shall be in a form specified by the director of the department of management, and the expenditure requirements shall include all proposed expenditures and shall be prioritized by program or the results to be achieved. The estimates shall be accompanied by performance measures for evaluating the effectiveness of the programs or results.

Sec. 2. LIMITATIONS OF STANDING APPROPRIATIONS — FY 2013-2014. Notwithstanding the standing appropriations in the following designated sections for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the amounts appropriated from the general fund of the state pursuant to these sections for the following designated purposes shall not exceed the following amounts:

1. For payment for nonpublic school transportation under section 285.2:  
..... \$ 8,560,931

If the total approved claims for reimbursement for nonpublic school pupil transportation exceed the amount appropriated in accordance with this subsection, the department of education shall prorate the amount of each approved claim.

1     2. For the enforcement of chapter 453D relating to tobacco  
2 product manufacturers under section 453D.8:  
3 ..... \$       18,416  
4     Sec. 3. LIMITATIONS OF STANDING APPROPRIATIONS — FY  
5 2014-2015. Notwithstanding the standing appropriations  
6 in the following designated sections for the fiscal year  
7 beginning July 1, 2014, and ending June 30, 2015, the amounts  
8 appropriated from the general fund of the state pursuant to  
9 these sections for the following designated purposes shall not  
10 exceed the following amounts:  
11     1. For payment for nonpublic school transportation under  
12 section 285.2:  
13 ..... \$   8,560,931  
14     If the total approved claims for reimbursement for nonpublic  
15 school pupil transportation exceed the amount appropriated in  
16 accordance with this subsection, the department of education  
17 shall prorate the amount of each approved claim.  
18     2. For the enforcement of chapter 453D relating to tobacco  
19 product manufacturers under section 453D.8:  
20 ..... \$       9,208  
21     Sec. 4. INSTRUCTIONAL SUPPORT STATE AID — FY 2013-2014  
22 — FY 2014-2015. In lieu of the appropriation provided in  
23 section 257.20, subsection 2, the appropriation for the fiscal  
24 years beginning July 1, 2013, and July 1, 2014, for paying  
25 instructional support state aid under section 257.20 for fiscal  
26 years 2013-2014 and 2014-2015 is zero.  
27     Sec. 5. Section 8.8, Code 2013, is amended to read as  
28 follows:  
29     **8.8 Special olympics fund — appropriation.**  
30     A special olympics fund is created in the office of the  
31 treasurer of state under the control of the department of  
32 management. There is appropriated annually from the general  
33 fund of the state to the special olympics fund fifty one  
34 hundred thousand dollars for distribution to one or more  
35 organizations which administer special olympics programs

1 benefiting the citizens of Iowa with disabilities.

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DIVISION II

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MISCELLANEOUS PROVISIONS AND APPROPRIATIONS

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Sec. 6. INDIVIDUAL DEVELOPMENT ACCOUNT PROGRAM. There is appropriated from the general fund of the state to the department of human rights for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amounts, or so much thereof as is necessary, for the purposes designated:

For deposit in the individual development account state match fund created in section 541A.7 to support the operating organization providing individual development accounts in Iowa:  
 ..... \$ 250,000

13

Sec. 7. RENEWABLE ENERGY TRAINING AND EDUCATION. There is appropriated from the general fund of the state to the department of workforce development for the following fiscal years, the following amounts, or so much thereof as is necessary, to distribute for a public purpose to an entity with a mission of educating workers and the public in the various aspects of renewable energy, its usage, and related occupational opportunities:

21

1. FY 2013-2014

..... \$ 150,000

23

2. FY 2014-2015

..... \$ 150,000

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Sec. 8. PUBLIC TRANSIT. There is appropriated from the general fund of the state to the department of transportation, for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, for the purposes designated:

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For distribution to the public transit systems in the state for vehicle purchasing priorities:

..... \$ 5,000,000

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For purposes of section 8.33, unencumbered or unobligated moneys from the moneys appropriated in this section shall not revert at the close of the fiscal year but shall remain

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1 available for expenditure for the purposes designated until the  
2 close of the fiscal year that ends two years after the end of  
3 the fiscal year for which the appropriation was made.

4 Sec. 9. GOVERNOR AND LIEUTENANT GOVERNOR — FTE  
5 AUTHORIZATION. For purposes of the offices of the governor and  
6 lieutenant governor, there is authorized an additional 3.00  
7 full-time equivalent positions above those otherwise authorized  
8 pursuant to 2013 Iowa Acts, House File 603, if enacted.

9 Sec. 10. AIR TRAFFIC CONTROL TOWER. There is appropriated  
10 from the general fund of the state to the department of  
11 transportation, for the fiscal year beginning July 1, 2013, and  
12 ending June 30, 2014, the following amount, or so much thereof  
13 as is necessary, for the purposes designated:

14 For the public purpose of defraying costs associated with  
15 the operation of a contract air traffic control tower which  
16 holds an air agency certificate:

17 ..... \$ 150,000

18 Moneys appropriated by this section shall be distributed  
19 on a local match basis to the largest city in a county with a  
20 population of more than 92,000 and less than 95,000 as of the  
21 last preceding certified federal census.

22 Sec. 11. Section 91C.7, subsection 1, Code 2013, is amended  
23 to read as follows:

24 1. A contractor who is not registered with the labor  
25 commissioner as required by this chapter shall not be awarded  
26 a contract to perform work for the state ~~or~~, an agency of the  
27 state, or a political subdivision of the state.

28 Sec. 12. Section 99F.11, subsection 3, paragraph d,  
29 subparagraph (3), Code 2013, is amended by striking the  
30 subparagraph and inserting in lieu thereof the following:

31 (3) One-half of the moneys remaining after the  
32 appropriation in subparagraph (1) is appropriated to the  
33 economic development authority for distribution equally to  
34 the three state tourism regions to develop public-private  
35 partnerships to market local attractions.

1     Sec. 13. Section 135C.7, Code 2013, is amended by adding the  
2 following new unnumbered paragraph:

3     NEW UNNUMBERED PARAGRAPH. In addition to the license fees  
4 listed in this section, there shall be an annual assessment  
5 assessed to each licensee in an amount to cover the cost of  
6 independent reviewers provided pursuant to section 135C.42.  
7 The department shall, in consultation with licensees, establish  
8 the assessment amount by rule based on the award of a request  
9 for proposals. The assessment shall be retained by the  
10 department as a repayment receipt as defined in section 8.2  
11 and used for the purpose of paying the cost of the independent  
12 reviewers.

13     Sec. 14. Section 144.26, Code 2013, is amended by adding the  
14 following new subsection:

15     NEW SUBSECTION. 5. Upon the activation of an electronic  
16 death record system, each person with a duty related to death  
17 certificates shall participate in the electronic death record  
18 system. A person with a duty related to a death certificate  
19 includes but is not limited to a physician as defined in  
20 section 135.1, a physician assistant, an advanced registered  
21 nurse practitioner, a funeral director, and a county recorder.

22     Sec. 15. Section 216A.3, subsection 3, Code 2013, is amended  
23 to read as follows:

24     3. A majority of the voting members of the board shall  
25 constitute a quorum, and the affirmative vote of two-thirds of  
26 the voting members present is necessary for any substantive  
27 action taken by the board. The board shall select a  
28 chairperson from the voting members of the board. The board  
29 shall meet not less than four times a year.

30     Sec. 16. Section 261.93, subsection 2, paragraph b,  
31 subparagraph (4), Code 2013, is amended to read as follows:

32     (4) Is the child of a fire fighter or police officer  
33 included under section 97B.49B, who was killed in the line of  
34 duty as determined by the Iowa public employees' retirement  
35 system in accordance with section 97B.52, subsection 2.

1     Sec. 17. CONDITIONAL EFFECTIVE DATE. The section of this  
2 division of this Act amending section 99F.11, takes effect only  
3 if 2013 Iowa Acts, House File 620, striking section 99F.11,  
4 subsection 3, paragraph d, subparagraph (3), is enacted.

5     Sec. 18. EFFECTIVE UPON ENACTMENT. The following provision  
6 or provisions of this division of this Act, being deemed of  
7 immediate importance, take effect upon enactment:

8     1. The section of this Act appropriating moneys to the  
9 department of transportation for public transit purposes.

10                     DIVISION III

11                     CORRECTIVE PROVISIONS

12     Sec. 19. Section 2.12, unnumbered paragraph 4, Code 2013,  
13 as amended by 2013 Iowa Acts, House File 185, section 1, is  
14 amended to read as follows:

15     There is appropriated out of any funds in the state treasury  
16 not otherwise appropriated such sums as may be necessary for  
17 the fiscal year budgets of the legislative services agency  
18 and the ~~ombudsman~~ office of ombudsman for salaries, support,  
19 maintenance, and miscellaneous purposes to carry out their  
20 statutory responsibilities. The legislative services agency  
21 and the ~~ombudsman~~ office of ombudsman shall submit their  
22 proposed budgets to the legislative council not later than  
23 September 1 of each year. The legislative council shall review  
24 and approve the proposed budgets not later than December 1 of  
25 each year. The budget approved by the legislative council for  
26 each of its statutory legislative agencies shall be transmitted  
27 by the legislative council to the department of management on  
28 or before December 1 of each year for the fiscal year beginning  
29 July 1 of the following year. The department of management  
30 shall submit the approved budgets received from the legislative  
31 council to the governor for inclusion in the governor's  
32 proposed budget for the succeeding fiscal year. The approved  
33 budgets shall also be submitted to the chairpersons of the  
34 committees on appropriations. The committees on appropriations  
35 may allocate from the funds appropriated by this section

1 the funds contained in the approved budgets, or such other  
2 amounts as specified, pursuant to a concurrent resolution to be  
3 approved by both houses of the general assembly. The director  
4 of the department of administrative services shall issue  
5 warrants for salaries, support, maintenance, and miscellaneous  
6 purposes upon requisition by the administrative head of each  
7 statutory legislative agency. If the legislative council  
8 elects to change the approved budget for a legislative agency  
9 prior to July 1, the legislative council shall transmit the  
10 amount of the budget revision to the department of management  
11 prior to July 1 of the fiscal year, however, if the general  
12 assembly approved the budget it cannot be changed except  
13 pursuant to a concurrent resolution approved by the general  
14 assembly.

15 Sec. 20. Section 2.42, subsection 14, Code 2013, as amended  
16 by 2013 Iowa Acts, House File 185, section 2, is amended to  
17 read as follows:

18 14. To hear and act upon appeals of aggrieved employees of  
19 the legislative services agency and the office of the ombudsman  
20 pursuant to rules of procedure established by the council.

21 Sec. 21. Section 2C.3, subsection 2, Code 2013, as enacted  
22 by 2013 Iowa Acts, House File 185, section 4, is amended to  
23 read as follows:

24 2. The ombudsman shall employ and supervise all employees  
25 under the ombudsman's direction in such positions and at such  
26 salaries as shall be authorized by the legislative council.  
27 The legislative council shall hear and act upon appeals of  
28 aggrieved employees of the office of the ombudsman.

29 Sec. 22. Section 2C.9, subsection 6, Code 2013, as amended  
30 by 2013 Iowa Acts, House File 185, section 10, is amended to  
31 read as follows:

32 6. Establish rules relating to the operation, organization,  
33 and procedure of the office of the ombudsman. The rules are  
34 exempt from chapter 17A and shall be published in the Iowa  
35 administrative code.

1     Sec. 23. Section 2C.11, subsection 1, unnumbered paragraph  
2 1, Code 2013, as amended by 2013 Iowa Acts, House File 185,  
3 section 12, is amended to read as follows:

4     An appropriate subject for investigation by the office of  
5 ~~the~~ ombudsman is an administrative action that might be:

6     Sec. 24. Section 2C.18, Code 2013, as amended by 2013  
7 Iowa Acts, House File 185, section 20, is amended to read as  
8 follows:

9     **2C.18 Report to general assembly.**

10     The ombudsman shall by April 1 of each year submit an  
11 economically designed and reproduced report to the general  
12 assembly and to the governor concerning the exercise of the  
13 ~~ombudsman~~ ombudsman's functions during the preceding calendar  
14 year. In discussing matters with which the ombudsman has been  
15 concerned, the ombudsman shall not identify specific persons  
16 if to do so would cause needless hardship. If the annual  
17 report criticizes a named agency or official, it shall also  
18 include unedited replies made by the agency or official to the  
19 criticism, unless excused by the agency or official affected.

20     Sec. 25. Section 8B.21, subsection 5, paragraph e, if  
21 enacted by 2013 Iowa Acts, Senate File 396, section 3, is  
22 amended to read as follows:

23     e. The department of public defense shall not be required  
24 to obtain any information technology services pursuant to  
25 this chapter for the department of public defense that ~~is~~ are  
26 provided by the office pursuant to this chapter without the  
27 consent of the adjutant general.

28     Sec. 26. Section 23A.4, subsection 3, Code 2013, as enacted  
29 by 2013 Iowa Acts, House File 185, section 27, is amended to  
30 read as follows:

31     3. Chapter 17A and this section are the exclusive remedy  
32 for violations of this chapter. However, the office of ~~the~~  
33 ombudsman may review violations of this chapter and make  
34 recommendations as provided in chapter 2C.

35     Sec. 27. Section 29.1, Code 2013, as amended by 2013 Iowa

1 Acts, House File 307, section 9, is amended to read as follows:

2 **29.1 Department of public defense.**

3 The department of public defense is composed of the office  
4 of the adjutant general and the military forces of the  
5 state of Iowa. The adjutant general is the director of the  
6 department of public defense and shall perform all functions,  
7 responsibilities, powers, and duties ~~over~~ concerning the  
8 military forces of the state of Iowa as provided in the laws of  
9 the state.

10 Sec. 28. Section 35A.13, subsection 6A, paragraph b,  
11 subparagraph (1), if enacted by 2013 Iowa Acts, House File 613,  
12 section 2, is amended to read as follows:

13 (1) The commission may provide educational assistance funds  
14 to any child who has lived in the state of Iowa for two years  
15 preceding application for state educational assistance, and who  
16 is the child of a person who died prior to September 11, 2001,  
17 during active federal military service while serving in the  
18 armed forces or during active federal military service in the  
19 Iowa national guard or other military component of the United  
20 States, to defray the expenses of tuition, matriculation,  
21 laboratory and similar fees, books and supplies, board,  
22 lodging, and any other reasonably necessary expense for the  
23 child or children incident to attendance in this state at an  
24 educational or training institution of college grade, or in a  
25 business or vocational training school with standards approved  
26 by the department. The commission shall not expend more than  
27 six hundred dollars per year for educational assistance for any  
28 one child under this paragraph "b".

29 Sec. 29. Section 70A.28, subsection 6, Code 2013, as amended  
30 by 2013 Iowa Acts, House File 185, section 28, is amended to  
31 read as follows:

32 6. Subsection 2 may also be enforced by an employee through  
33 an administrative action pursuant to the requirements of this  
34 subsection if the employee is not a merit system employee or  
35 an employee covered by a collective bargaining agreement. An

1 employee eligible to pursue an administrative action pursuant  
 2 to this subsection who is discharged, suspended, demoted,  
 3 or otherwise receives a reduction in pay and who believes  
 4 the adverse employment action was taken as a result of the  
 5 employee's disclosure of information that was authorized  
 6 pursuant to subsection 2, may file an appeal of the adverse  
 7 employment action with the public employment relations  
 8 board within thirty calendar days following the later of the  
 9 effective date of the action or the date a finding is issued  
 10 to the employee by the office of the ombudsman pursuant to  
 11 section 2C.11A. The findings issued by the ombudsman may be  
 12 introduced as evidence before the public employment relations  
 13 board. The employee has the right to a hearing closed to the  
 14 public, but may request a public hearing. The hearing shall  
 15 otherwise be conducted in accordance with the rules of the  
 16 public employment relations board and the Iowa administrative  
 17 procedure Act, chapter 17A. If the public employment relations  
 18 board finds that the action taken in regard to the employee was  
 19 in violation of subsection 2, the employee may be reinstated  
 20 without loss of pay or benefits for the elapsed period, or the  
 21 public employment relations board may provide other appropriate  
 22 remedies. Decisions by the public employment relations board  
 23 constitute final agency action.

24     Sec. 30. Section 126.11, subsection 3, paragraph b, Code  
 25 2013, as amended by 2013 Iowa Acts, House File 417, section 26,  
 26 is amended to read as follows:

27     **b.** A drug dispensed by filling or refilling a written,  
 28 electronic, facsimile, or oral prescription of a practitioner  
 29 licensed by law to administer the drug is exempt from section  
 30 126.10, except section 126.10, subsection 1, paragraph "a",  
 31 section 126.10, subsection 1, paragraph "i", subparagraphs  
 32 (2) and (3), and section 126.10, subsection 1, paragraphs "k"  
 33 and "l", and the packaging requirements of section 126.10,  
 34 subsection 1, paragraphs "g", "h", and "p", if the drug bears  
 35 a label containing the name and address of the dispenser, the

1 date of the prescription or of its filling, the name of the  
 2 prescriber, and, if stated in the prescription, the name of the  
 3 patient, and the directions for use and cautionary statements,  
 4 if any, contained in the prescription. This exemption does not  
 5 apply to a drug dispensed in the course of the conduct of the  
 6 business of dispensing drugs pursuant to diagnosis by mail,  
 7 or to a drug dispensed in violation of paragraph "a" of this  
 8 subsection.

9     Sec. 31. Section 249A.43, subsection 3, as enacted by 2013  
 10 Iowa Acts, Senate File 357, section 7, is amended to read as  
 11 follows:

12     3. An affidavit of service of a notice of entry of judgment  
 13 shall be made by first class mail at the address where the  
 14 debtor was served with the notice of overpayment. Service  
 15 is completed upon mailing as specified in this ~~paragraph~~  
 16 subsection.

17     Sec. 32. Section 252D.17, subsection 1, paragraph m, as  
 18 enacted by 2013 Iowa Acts, House File 417, section 55, Code  
 19 2013, is amended to read as follows:

20     ~~m.~~ 2. The department shall establish criteria and a  
 21 phased-in schedule to require, no later than June 30, 2015,  
 22 payors of income to electronically transmit the amounts  
 23 withheld under an income withholding order. The department  
 24 shall assist payors of income in complying with the required  
 25 electronic transmission, and shall adopt rules setting forth  
 26 procedures for use in electronic transmission of funds, and  
 27 exemption from use of electronic transmission taking into  
 28 consideration any undue hardship electronic transmission  
 29 creates for payors of income.

30     Sec. 33. Section 263B.3, Code 2013, as amended by 2013  
 31 Iowa Acts, House File 417, section 63, is amended to read as  
 32 follows:

33     **263B.3 Agreements with federal departments.**

34     The state archaeologist is authorized to enter into  
 35 agreements and cooperative efforts with the federal highway

1 administrator, the United States departments of commerce,  
2 interior, agriculture, and defense, and any other federal or  
3 state agencies concerned with archaeological salvage or the  
4 preservation of antiquities.

5 Sec. 34. Section 321.463, subsection 12A, paragraphs a and  
6 c, as enacted by 2013 Iowa Acts, House File 14, section 1, are  
7 amended to read as follows:

8 a. A person operating a vehicle or combination of vehicles  
9 equipped with a retractable axle may raise the axle when  
10 necessary to negotiate a turn, provided that the retractable  
11 axle is lowered within one thousand feet following completion  
12 of the turn. This paragraph does not apply to a vehicle or  
13 combination of vehicles operated on an interstate highway,  
14 including a ramp to or from an interstate highway, or on a  
15 bridge.

16 c. This subsection does not prohibit the operation of a  
17 vehicle or combination of vehicles equipped with a retractable  
18 axle ~~from operating~~ with the retractable axle raised when the  
19 vehicle or combination of vehicles is in compliance with the  
20 weight limitations of this section with the retractable axle  
21 raised.

22 Sec. 35. Section 327F.39, subsection 6, paragraph b, if  
23 enacted by 2013 Iowa Acts, Senate File 340, section 4, is  
24 amended to read as follows:

25 b. A violation of subsection 4A or rules adopted pursuant to  
26 subsection 4A by a railroad worker transportation company or a  
27 railroad ~~corporation~~ company is punishable as a schedule "one"  
28 penalty under section 327C.5.

29 Sec. 36. Section 418.5, subsection 1, Code 2013, as amended  
30 by 2013 Iowa Acts, House File 307, section 51, is amended to  
31 read as follows:

32 1. The flood mitigation board is established consisting of  
33 nine voting members and four ex officio, nonvoting members,  
34 and is located for administrative purposes within the ~~division~~  
35 department. The director of the department shall provide

1 office space, staff assistance, and necessary supplies and  
2 equipment for the board. The director shall budget funds to  
3 pay the necessary expenses of the board. In performing its  
4 functions, the board is performing a public function on behalf  
5 of the state and is a public instrumentality of the state.

6 Sec. 37. Section 426A.11, subsection 1, Code 2013, as  
7 amended by 2013 Iowa Acts, House File 417, section 97, is  
8 amended to read as follows:

9 1. The property, not to exceed two thousand seven hundred  
10 seventy-eight dollars in taxable value of any veteran, as  
11 defined in section 35.1, of the World War I.

12 Sec. 38. Section 455B.275, subsection 3A, paragraphs a and  
13 b, if enacted by 2013 Iowa Acts, House File 541, section 1, are  
14 amended to read as follows:

15 a. The person reconstructing the dam is only required to  
16 possess the flooding easements or ownership which ~~were~~ was  
17 held prior to the reconstruction as long as the former normal  
18 pool elevation is not exceeded and the spillway capacity is  
19 increased by at least fifty percent.

20 b. Flooding easements or ownership ~~are~~ is only required to  
21 the top of the reconstructed spillway elevation.

22 Sec. 39. Section 490.863, subsection 3, paragraph a, as  
23 enacted by 2013 Iowa Acts, House File 469, section 43, is  
24 amended to read as follows:

25 a. "Holder" means and "held by" refers to shares held by  
26 both a record shareholder, as defined in section 490.1301,  
27 subsection 7, and a beneficial shareholder, as defined in  
28 section 490.1301, subsection 2.

29 Sec. 40. Section 490.1302, subsection 2, paragraph d, Code  
30 2013, as amended by 2013 Iowa Acts, House File 469, section 53,  
31 is amended to read as follows:

32 d. Paragraph "a", shall not be applicable and appraisal  
33 rights shall be available pursuant to subsection 1 for the  
34 holders of any class or series of shares where the corporate  
35 action is an interested transaction.

1     Sec. 41. Section 522.6, subsection 2, if enacted by 2013  
2 Iowa Acts, Senate File 189, section 6, is amended to read as  
3 follows:

4     2. If an insurer qualifies for exemption from the  
5 requirements of this chapter pursuant to paragraph "a" of  
6 subsection 1, but the insurance group of which the insurer is  
7 a member does not qualify for exemption pursuant to paragraph  
8 "b" of subsection 1, then the own risk and solvency assessment  
9 summary report that is required pursuant to section ~~521H.5~~  
10 522.5 shall include information concerning every insurer  
11 in the insurance group. This requirement may be satisfied  
12 by the submission of more than one summary report for any  
13 combination of insurers in the insurance group provided that  
14 the combination of reports submitted includes every insurer in  
15 the insurance group.

16     Sec. 42. Section 533.405, subsection 4A, paragraph b,  
17 subparagraphs (1) and (2), as enacted by 2013 Iowa Acts, Senate  
18 File 183, section 8, are amended to read as follows:

19     (1) State credit unions with assets in excess of ~~\$5~~ five  
20 million dollars as of the month ending immediately prior to the  
21 date of the conclusion of the vote by the membership approving  
22 the dissolution shall publish the notice once a week for two  
23 successive weeks in a newspaper of general circulation in each  
24 county in which the state credit union maintains an office or  
25 branch for the transaction of business.

26     (2) State credit unions with assets of ~~\$5~~ five million  
27 dollars or less as of the month ending immediately prior to the  
28 date of the conclusion of the vote by the membership approving  
29 the dissolution shall publish the notice once in a newspaper of  
30 general circulation in each county in which the state credit  
31 union maintains an office or branch.

32     Sec. 43. Section 543C.2, subsection 1, paragraph j, if  
33 enacted by 2013 Iowa Acts, House File 556, section 167, is  
34 amended to read as follows:

35     j. The subdivider, if a corporation, must register to do

1 business in the state of Iowa as a foreign corporation with  
 2 the secretary of state and furnish a copy of the certificate  
 3 of authority to do business in the state of Iowa. If not a  
 4 corporation, the subdivider must comply with the provisions  
 5 of chapter 547, by filing a proper trade name with the Polk  
 6 county recorder. The provisions of this ~~subsection~~ paragraph  
 7 shall also apply to any person, partnership, firm, company,  
 8 corporation, or association, other than the subdivider, which  
 9 is engaged by or through the subdivider for the purpose of  
 10 advertising or selling the land involved in the filing.

11 Sec. 44. Section 556.2, subsection 5, paragraph a,  
 12 unnumbered paragraph 1, as enacted by 2013 Iowa Acts, House  
 13 File 417, section 174, is amended to read as follows:

14 A banking organization or financial organization shall send  
 15 to the owner of each account, to which none of the actions  
 16 specified in subsection 2 1, paragraphs "a" through "e" or  
 17 subsection 2, paragraphs "a" through "e" have occurred during  
 18 the preceding three calendar years, a notice by certified mail  
 19 stating in substance the following:

20 Sec. 45. Section 716.7, subsection 1, as amended by 2013  
 21 Iowa Acts, House File 556, section 234, if enacted, is amended  
 22 to read as follows:

23 1. For purposes of this section:

24 a. "Property" shall include any land, dwelling, building,  
 25 conveyance, vehicle, or other temporary or permanent structure  
 26 whether publicly or privately owned.

27 b. "Public utility" is a public utility as defined in  
 28 section 476.1 or an electric transmission line as provided in  
 29 chapter 478.

30 ~~b.~~ c. "Public utility property" means any land, dwelling,  
 31 building, conveyance, vehicle, or other temporary or permanent  
 32 structure owned, leased, or operated by a public utility and  
 33 that is completely enclosed by a physical barrier of any kind.  
 34 ~~For the purposes of this section, a "public utility" is a public~~  
 35 ~~utility as defined in section 476.1 or an electric transmission~~

1 ~~line as provided in chapter 478.~~

2 ~~e.~~ d. "Railway corporation" means a corporation, company,  
3 or person owning, leasing, or operating any railroad in whole  
4 or in part within this state.

5 ~~d.~~ e. "Railway property" means all tangible real and  
6 personal property owned, leased, or operated by a railway  
7 corporation with the exception of any administrative building  
8 or offices of the railway corporation.

9 Sec. 46. Section 724.2, subsection 1, paragraph i, if  
10 enacted by 2013 Iowa Acts, House File 556, section 206, is  
11 amended to read as follows:

12 i. A nonresident who possesses an offensive weapon which  
13 is a curio or relic firearm under the federal Firearms Act,  
14 18 U.S.C. ch. 44, solely for use in official functions in  
15 this state of a historical reenactment organization of which  
16 the person is a member, if the offensive weapon is legally  
17 possessed by the person in the person's state of residence  
18 and the offensive weapon is at all times while in this state  
19 rendered incapable of firing live ammunition. A nonresident  
20 who possesses an offensive weapon under this ~~subsection~~  
21 paragraph while in this state shall not have in the person's  
22 possession live ammunition. The offensive weapon may, however,  
23 be adapted for the firing of blank ammunition.

24 Sec. 47. REPEAL. 2013 Iowa Acts, House File 417, section  
25 34, and 2013 Iowa Acts, House File 556, section 27, if enacted,  
26 are repealed.

27 Sec. 48. REPEAL. 2013 Iowa Acts, House File 469, sections  
28 83 and 84, are repealed.

29 Sec. 49. CONTINGENT REPEAL. If 2013 Iowa Acts, House File  
30 575, section 12, is enacted, 2013 Iowa Acts, House File 417,  
31 section 93, is repealed.

32 DIVISION IV

33 PUBLIC RETIREMENT SYSTEMS

34 Sec. 50. JUDICIAL RETIREMENT FUND. There is appropriated  
35 from the general fund of the state to the judicial retirement

1 fund described in section 602.9104 for the following fiscal  
2 years, the following amounts:

3 1. FY 2013-2014

4 ..... \$ 5,000,000

5 2. FY 2014-2015

6 ..... \$ 5,000,000

7 Sec. 51. FIRE AND POLICE RETIREMENT FUND. There is  
8 appropriated from the general fund of the state to the fire  
9 and police retirement fund created in section 411.8 for the  
10 following fiscal years, the following amounts:

11 1. FY 2012-2013

12 ..... \$ 9,600,000

13 2. FY 2013-2014

14 ..... \$ 5,000,000

15 3. FY 2014-2015

16 ..... \$ 5,000,000

17 Sec. 52. Section 97A.11A, subsection 1, Code 2013, is  
18 amended to read as follows:

19 1. Beginning with the fiscal year commencing July 1, ~~2013~~  
20 2012, and ending June 30 of the fiscal year during which the  
21 board determines that the system's funded ratio of assets  
22 to liabilities is at least eighty-five percent, there is  
23 appropriated from the general fund of the state for each fiscal  
24 year to the retirement fund described in section 97A.8, an  
25 amount equal to five million dollars.

26 Sec. 53. EFFECTIVE UPON ENACTMENT. The section of this  
27 division of this Act amending section 97A.11A, being deemed of  
28 immediate importance, takes effect upon enactment.

29 Sec. 54. EFFECTIVE UPON ENACTMENT. The section of this  
30 division of this Act appropriating moneys to the fire and  
31 police retirement fund, being deemed of immediate importance,  
32 takes effect upon enactment.

### 33 DIVISION V

### 34 COUNTY PROJECTS

35 Sec. 55. Section 331.441, subsection 2, paragraph b,

1 subparagraph (5), unnumbered paragraph 1, Code 2013, is amended  
2 to read as follows:

3     Public buildings, including the site or grounds of, and the  
4 erection, equipment, remodeling, or reconstruction of, and  
5 additions or extensions to the buildings, and including the  
6 provision and maintenance of juvenile detention or shelter care  
7 facilities, when the ~~cost~~ principal amount of the bonds does  
8 not exceed the following limits:

9     Sec. 56. Section 331.441, subsection 2, paragraph c,  
10 subparagraph (9), Code 2013, is amended to read as follows:

11     (9) Public buildings, including the site or grounds of,  
12 the erection, equipment, remodeling, or reconstruction of, and  
13 additions or extensions to the buildings, and including the  
14 provision and maintenance of juvenile detention or shelter care  
15 facilities, when the ~~cost~~ principal amount of the bonds exceeds  
16 the limits stated in subsection 2, paragraph "b", subparagraph  
17 (5).

18                                   DIVISION VI

19                   SUPPLEMENTARY WEIGHTING FOR LIMITED ENGLISH

20                                   PROFICIENT STUDENTS

21     Sec. 57. Section 257.31, subsection 5, paragraph j, Code  
22 2013, is amended to read as follows:

23     j. Unusual need to continue providing a program or other  
24 special assistance to non-English speaking pupils after the  
25 expiration of the ~~four-year~~ seven-year period specified in  
26 section 280.4.

27     Sec. 58. Section 280.4, subsection 3, Code 2013, is amended  
28 to read as follows:

29     3. a. In order to provide funds for the excess costs of  
30 instruction of limited English proficient students specified  
31 in paragraph "b" above the costs of instruction of pupils in  
32 a regular curriculum, students identified as limited English  
33 proficient shall be assigned an additional weighting of  
34 twenty-two hundredths, and that weighting shall be included in  
35 the weighted enrollment of the school district of residence for

1 a period not exceeding ~~four~~ seven years. However, the school  
 2 budget review committee may grant supplemental aid or modified  
 3 allowable growth to a school district to continue funding a  
 4 program for students after the expiration of the ~~four-year~~  
 5 seven-year period.

6 b. For students first determined to be limited English  
 7 proficient for a budget year beginning on or after July 1,  
 8 2009, the additional weighting provided under paragraph "a"  
 9 shall be included in the weighted enrollment of the school  
 10 district of residence for a period not exceeding seven years.

11 Sec. 59. LIMITED ENGLISH PROFICIENT WEIGHTING

12 ADJUSTMENT. For the fiscal year beginning July 1, 2013,  
 13 and ending June 30, 2014, there shall be allocated to the  
 14 department of education from the amount appropriated pursuant  
 15 to section 257.16, subsection 1, based upon the increase from  
 16 four to seven years in the availability of supplementary  
 17 weighting for instruction of limited English proficient  
 18 students pursuant to section 280.4, an amount to be determined  
 19 by the department of management in consultation with the  
 20 legislative services agency. The funds shall be used to adjust  
 21 the weighted enrollment of a school district with students  
 22 identified as limited English proficient on a prorated basis.  
 23 Sec. 60. EFFECTIVE UPON ENACTMENT. This division of this  
 24 Act, being deemed of immediate importance, takes effect upon  
 25 enactment.

## 26 DIVISION VII

### 27 NEWBORN CRITICAL CONGENITAL HEART DISEASE SCREENING

28 Sec. 61. NEW SECTION. 136A.5A Newborn critical congenital  
 29 heart disease screening.

30 1. Each newborn born in this state shall receive a critical  
 31 congenital heart disease screening by pulse oximetry or other  
 32 means as determined by rule, in conjunction with the metabolic  
 33 screening required pursuant to section 136A.5.

34 2. An attending health care provider shall ensure that  
 35 every newborn under the provider's care receives the critical

1 congenital heart disease screening.

2 3. This section does not apply if a parent objects to  
3 the screening. If a parent objects to the screening of a  
4 newborn, the attending health care provider shall document the  
5 refusal in the newborn's medical record and shall obtain a  
6 written refusal from the parent and report the refusal to the  
7 department.

8 4. Notwithstanding any provision to the contrary, the  
9 results of each newborn's critical congenital heart disease  
10 screening shall only be reported in a manner consistent with  
11 the reporting of the results of metabolic screenings pursuant  
12 to section 136A.5 if funding is available for implementation  
13 of the reporting requirement.

14 5. This section shall be administered in accordance with  
15 rules adopted pursuant to section 136A.8.

16 Sec. 62. NEWBORN CRITICAL CONGENITAL HEART DISEASE  
17 SCREENING. Notwithstanding any provision to the contrary  
18 relating to the newborn screening policy pursuant to 641 IAC  
19 4.3(1), critical congenital heart disease screening shall be  
20 included in the state's newborn screening panel as included  
21 in the recommended uniform screening panel as approved by  
22 the United States secretary of health and human services.  
23 The center for congenital and inherited disorders advisory  
24 committee shall make recommendations regarding implementation  
25 of the screening and the center for congenital and inherited  
26 disorders shall adopt rules as necessary to implement the  
27 screening. However, reporting of the results of each newborn's  
28 critical congenital heart disease screening shall not be  
29 required unless funding is available for implementation of the  
30 reporting requirement.

#### 31 DIVISION VIII

#### 32 RIGHT TO CURE — CLOSED CREDIT CARD ACCOUNTS

33 Sec. 63. Section 537.5110, subsection 4, paragraph c, Code  
34 2013, is amended to read as follows:

35 c. Until the expiration of the minimum applicable period

1 after the notice is given, the consumer may cure the default by  
 2 tendering either the amount of all unpaid installments due at  
 3 the time of the tender, without acceleration, plus any unpaid  
 4 delinquency or deferral charges, or the amount stated in the  
 5 notice of right to cure, whichever is less, or by tendering any  
 6 performance necessary to cure any default other than nonpayment  
 7 of amounts due, which is described in the notice of right to  
 8 cure. The act of curing a default restores to the consumer  
 9 the consumer's rights under the agreement as though no default  
 10 had occurred, except as provided in subsection 3. However,  
 11 where the obligation in default is a credit card account that  
 12 has been closed, the act of curing a default does not restore  
 13 to the consumer the consumer's rights under the agreement as  
 14 though no default had occurred.

15 Sec. 64. Section 537.5111, Code 2013, is amended by adding  
 16 the following new subsection:

17 NEW SUBSECTION. 4A. If the consumer credit transaction is  
 18 a credit card account that has been closed, the notice shall  
 19 conform to the requirements of subsection 2, and a notice in  
 20 substantially the form specified in that subsection complies  
 21 with this subsection except that the statement relating to  
 22 continuation of the contract upon correction of the default as  
 23 though the consumer did not default shall not be contained in  
 24 the notice.

#### 25 DIVISION IX

#### 26 PUBLIC SAFETY TRAINING AND FACILITIES TASK FORCE

27 Sec. 65. PUBLIC SAFETY TRAINING AND FACILITIES TASK FORCE.

28 1. A public safety training and facilities task force is  
 29 established. The department of public safety shall provide  
 30 administrative support for the task force.

31 2. The task force shall consist of the following members:

32 a. One member appointed by the Iowa state sheriffs' and  
 33 deputies' association.

34 b. One member appointed by the Iowa police chiefs  
 35 association.

- 1 c. One member who is a fire fighter appointed by the Iowa  
2 professional fire fighters association.
- 3 d. One member who is the administrator of the Iowa fire  
4 service training bureau or the administrator's designee.
- 5 e. One member who is a representative of the fire service  
6 who is not a fire chief appointed by the Iowa firefighters  
7 association.
- 8 f. The director of the Iowa law enforcement academy or the  
9 director's designee.
- 10 g. The commissioner of public safety or the training  
11 coordinator of the department of public safety, as designated  
12 by the commissioner.
- 13 h. The state fire marshal or the state fire marshal's  
14 designee.
- 15 i. One member appointed by the Iowa state police  
16 association.
- 17 j. One member who is a fire chief appointed by the Iowa fire  
18 chiefs association.
- 19 k. One member appointed by the Iowa emergency medical  
20 services association.
- 21 l. One member appointed by the Iowa emergency management  
22 association.
- 23 m. One member who is a fire chief appointed by the Iowa  
24 association of professional fire chiefs.
- 25 n. One member who is a member of the office of motor vehicle  
26 enforcement of the department of transportation appointed by  
27 the director of the department of transportation.
- 28 o. Four members of the general assembly serving as  
29 ex officio, nonvoting members, one representative to be  
30 appointed by the speaker of the house of representatives, one  
31 representative to be appointed by the minority leader of the  
32 house of representatives, one senator to be appointed by the  
33 majority leader of the senate, and one senator to be appointed  
34 by the minority leader of the senate.
- 35 3. The voting members of the task force shall select one

1 chairperson and one vice chairperson. The vice chairperson  
2 shall preside in the absence of the chairperson. Section  
3 69.16A shall apply to the appointed members of the task force.

4 4. It is the intent of the general assembly in establishing  
5 this task force that the task force develop a coordinated  
6 plan amongst all public safety disciplines that would oversee  
7 the construction of a consolidated fire and police public  
8 safety training facility, provide for the establishment of a  
9 governance board for the public safety disciplines and the  
10 consolidated facility, and to establish a consistent and steady  
11 funding mechanism to defray public safety training costs on an  
12 ongoing basis.

13 5. The task force shall seek and consider input from all  
14 interested stakeholders and members of the public and shall  
15 include an emphasis on receiving input from fire service, law  
16 enforcement, and emergency medical services personnel. The  
17 task force shall consider and develop strategies relating to  
18 public safety training facility governance with the goal of  
19 all public safety disciplines being represented. Each public  
20 safety discipline shall advise the task force by developing  
21 individual training policies as determined by the discipline's  
22 governing bodies. The task force shall also develop a proposal  
23 for a joint public safety training facility, a budget for  
24 construction and future operation of the facility, financing  
25 options, including possible public-private partnerships, for  
26 construction and operation of the facility, and potential  
27 locations for the facility that are centrally located in this  
28 state.

29 6. a. The task force shall provide interim reports to the  
30 general assembly by December 31 of each year concerning the  
31 activities of the task force and shall submit its final report,  
32 including its findings and recommendations, to the general  
33 assembly by December 31, 2016.

34 b. The final report shall include but not be limited to  
35 recommendations concerning the following:

1 (1) Consolidation of public safety governance within a  
2 single board and the membership of the board. Board duties  
3 would include overseeing the construction and maintenance of a  
4 consolidated fire and police public safety training facility.

5 (2) Development of a consolidated fire and police public  
6 safety training facility, including possible locations,  
7 building recommendations, and financing options.

8 (3) Any other recommendations relating to public safety  
9 training and facilities requirements.

10 Sec. 66. PUBLIC SAFETY TRAINING AND FACILITIES TASK FORCE —  
11 ADMINISTRATIVE SUPPORT. There is appropriated from the general  
12 fund of the state to the department of public safety for the  
13 fiscal year beginning July 1, 2012, and ending June 30, 2013,  
14 the following amount, or so much thereof as is necessary, to be  
15 used for the purposes designated:

16 For providing administrative support for the public safety  
17 training and facilities task force as enacted in this Act:

18 ..... \$ 50,000

19 Notwithstanding section 8.33, moneys appropriated in this  
20 section that remain unencumbered or unobligated at the close of  
21 the fiscal year shall not revert but shall remain available for  
22 expenditure for the purposes designated until the close of the  
23 fiscal year that begins July 1, 2016.

24 Sec. 67. EFFECTIVE UPON ENACTMENT. This division of this  
25 Act, being deemed of immediate importance, takes effect upon  
26 enactment.

#### 27 DIVISION X

#### 28 CIGARETTE FIRE SAFETY STANDARD FUND

29 Sec. 68. Section 101B.5, subsection 5, Code 2013, is amended  
30 to read as follows:

31 5. For each cigarette listed in a certification, a  
32 manufacturer shall pay a fee of one hundred dollars to the  
33 department. The department shall deposit all fees received  
34 pursuant to this subsection with the treasurer of state for  
35 credit to the general fund of the state.

1     Sec. 69. Section 101B.8, Code 2013, is amended by adding the  
2 following new subsection:

3     NEW SUBSECTION. 10. The department shall deposit any moneys  
4 received from civil penalties assessed pursuant to this section  
5 with the treasurer of state for credit to the general fund of  
6 the state.

7     Sec. 70. Section 101B.9, Code 2013, is amended to read as  
8 follows:

9     **101B.9 Cigarette fire safety standard fund.**

10     A cigarette fire safety standard fund is created as a  
11 special fund in the state treasury under the control of the  
12 department of public safety. The fund shall consist of all  
13 moneys recovered from the assessment of civil penalties or  
14 certification fees under this chapter. ~~The moneys in the~~  
15 ~~fund shall, in~~ In addition to any moneys made available for  
16 such purpose, be available, subject to appropriation, moneys  
17 in the fund are appropriated to the department of public  
18 safety for the purpose of fire safety and prevention programs,  
19 including for entry level fire fighter training, equipment, and  
20 operations.

21     Sec. 71. REPEAL. Section 101B.9, Code 2013, is repealed.

22     **Sec. 72. CIGARETTE FIRE SAFETY STANDARD FUND.**

23 Notwithstanding section 8.33, or any other provision of law  
24 to the contrary, the unencumbered or unobligated balance of  
25 the cigarette fire safety standard fund at the close of the  
26 fiscal year beginning July 1, 2012, shall not revert but shall  
27 remain available for expenditure for purposes of the regional  
28 emergency response training centers, on an equal basis, until  
29 the close of the succeeding fiscal year.

30     Sec. 73. EFFECTIVE UPON ENACTMENT. Except for the section  
31 of this division of this Act repealing section 101B.9 which  
32 shall take effect July 1, 2013, this division of this Act,  
33 being deemed of immediate importance, takes effect upon  
34 enactment.

35     Sec. 74. RETROACTIVE APPLICABILITY. The following

1 provision or provisions of this division of this Act apply  
2 retroactively to July 1, 2007:

3 1. The section amending section 101B.9.

4 DIVISION XI

5 IGNITION INTERLOCK

6 Sec. 75. Section 321J.20, subsections 1 and 2, Code 2013,  
7 are amended to read as follows:

8 1. a. The department may, on application, issue a temporary  
9 restricted license to a person whose noncommercial driver's  
10 license is revoked under this chapter allowing the person to  
11 drive to and from the person's home and specified places at  
12 specified times which can be verified by the department and  
13 which are required by the any of the following:

14 (1) The person's full-time or part-time employment.

15 (2) The person's continuing health care or the continuing  
16 health care of another who is dependent upon the person.

17 (3) The person's continuing education while enrolled in an  
18 educational institution on a part-time or full-time basis and  
19 while pursuing a course of study leading to a diploma, degree,  
20 or other certification of successful educational completion.

21 (4) The person's substance abuse treatment and to attend  
22 groups whose purpose is to eliminate or reduce alcohol or other  
23 drug use.

24 (5) The person's court-ordered community service  
25 responsibilities, and appointments.

26 (6) Appointments with the person's parole or probation  
27 officer.

28 (7) Transport of the person's dependent minor child to and  
29 from school when public school transportation is not available  
30 for the child.

31 (8) Transport of the person's dependent minor child to and  
32 from child care when necessary for the person's full-time or  
33 part-time employment.

34 b. The department may also issue a temporary restricted  
35 license under this subsection that allows the person to drive

1 for work purposes within the scope of the person's full-time or  
 2 part-time employment. Any vehicle operated within the scope of  
 3 the person's full-time or part-time employment must be equipped  
 4 at all times with an ignition interlock device of a type  
 5 approved by the commissioner of public safety, notwithstanding  
 6 any provision of section 321J.4, 321J.9, or 321J.12 to the  
 7 contrary.

8 c. The department may issue a temporary restricted license  
 9 under this subsection only if the person's driver's license has  
 10 not been revoked previously under section 321J.4, 321J.9, or  
 11 321J.12 and if any of the following apply:

12 (1) The person's noncommercial driver's license is revoked  
 13 under section 321J.4 and the minimum period of ineligibility  
 14 for issuance of a temporary restricted license has expired.  
 15 This subsection shall not apply to a revocation ordered under  
 16 section 321J.4 resulting from a plea or verdict of guilty of a  
 17 violation of section 321J.2 that involved a death.

18 (2) The person's noncommercial driver's license is revoked  
 19 under section 321J.9 and the person has entered a plea of  
 20 guilty on a charge of a violation of section 321J.2 which  
 21 arose from the same set of circumstances which resulted in  
 22 the person's driver's license revocation under section 321J.9  
 23 and the guilty plea is not withdrawn at the time of or after  
 24 application for the temporary restricted license, and the  
 25 minimum period of ineligibility for issuance of a temporary  
 26 restricted license has expired.

27 (3) The person's noncommercial driver's license is revoked  
 28 under section 321J.12, and the minimum period of ineligibility  
 29 for issuance of a temporary restricted license has expired.

30 ~~b.~~ d. A temporary restricted license may be issued under  
 31 this subsection if the person's noncommercial driver's license  
 32 is revoked for two years under section 321J.4, subsection 2, or  
 33 section 321J.9, subsection 1, paragraph "b", and the first three  
 34 hundred sixty-five days of the revocation have expired.

35 ~~e.~~ e. This subsection does not apply to a person whose

1 license was revoked under section 321J.2A or section 321J.4,  
2 subsection 4 or 6, or to a person whose license is suspended or  
3 revoked for another reason.

4 ~~d.~~ f. Following the applicable minimum period of  
5 ineligibility, a temporary restricted license under this  
6 subsection shall not be issued until the applicant installs  
7 an ignition interlock device of a type approved by the  
8 commissioner of public safety on all motor vehicles owned or  
9 operated by the applicant in accordance with section 321J.2,  
10 321J.4, 321J.9, or 321J.12, or this subsection. Installation  
11 of an ignition interlock device under this subsection shall  
12 be required for the period of time for which the temporary  
13 restricted license is issued and for such additional period  
14 of time following reinstatement as is required under section  
15 321J.17, subsection 3.

16 2. *a.* Notwithstanding section 321.560, the department may,  
17 on application, and upon the expiration of the minimum period  
18 of ineligibility for a temporary restricted license provided  
19 for under section 321.560, 321J.4, 321J.9, or 321J.12, issue a  
20 temporary restricted license to a person whose noncommercial  
21 driver's license has either been revoked under this chapter, or  
22 revoked or suspended under chapter 321 solely for violations  
23 of this chapter, or who has been determined to be a habitual  
24 offender under chapter 321 based solely on violations of this  
25 chapter or on violations listed in section 321.560, subsection  
26 1, paragraph "b", and who is not eligible for a temporary  
27 restricted license under subsection 1. However, the department  
28 may not issue a temporary restricted license under this  
29 subsection for a violation of section 321J.2A or to a person  
30 under the age of twenty-one whose license is revoked under  
31 section 321J.4, 321J.9, or 321J.12. A

32 (1) If the person has no more than one previous revocation  
33 under this chapter, a temporary restricted license issued under  
34 this subsection may allow the person to drive to and from the  
35 person's home and specified places at specified times which can

1 be verified by the department and which are required by any of  
2 the following:

3 (a) The person's full-time or part-time employment.

4 (b) The person's continuing health care or the continuing  
5 health care of another who is dependent upon the person.

6 (c) The person's continuing education while enrolled in an  
7 educational institution on a part-time or full-time basis and  
8 while pursuing a course of study leading to a diploma, degree,  
9 or other certification of successful educational completion.

10 (d) The person's substance abuse treatment and to attend  
11 groups whose purpose is to eliminate or reduce alcohol or other  
12 drug use.

13 (e) The person's court-ordered community service  
14 responsibilities.

15 (f) Appointments with the person's parole or probation  
16 officer.

17 (g) Transport of the person's dependent minor child to and  
18 from child care when necessary for the person's full-time or  
19 part-time employment.

20 (2) If the person has more than one previous revocation  
21 under this chapter, a temporary restricted license issued under  
22 this subsection may allow the person to drive to and from the  
23 person's home and specified places at specified times which can  
24 be verified by the department and which are required by the any  
25 of the following:

26 (a) The person's full-time or part-time employment.

27 (b) The person's continuing education while enrolled in an  
28 educational institution on a part-time or full-time basis and  
29 while pursuing a course of study leading to a diploma, degree,  
30 or other certification of successful educational completion  
31 or.

32 (c) The person's substance abuse treatment and to attend  
33 groups whose purpose is to eliminate or reduce alcohol or other  
34 drug use.

35 DIVISION XII

1 NOTARY PUBLIC

2 Sec. 76. Section 9B.15, subsection 3, unnumbered paragraph  
3 1, Code 2013, is amended to read as follows:

4 A certificate of a notarial act is sufficient if it meets  
5 the requirements of subsections 1 and 2 and ~~all~~ any of the  
6 following apply:

7 Sec. 77. Section 9B.17, subsection 1, paragraph a, Code  
8 2013, is amended to read as follows:

9 a. Include the notary public's name, the words "Notarial  
10 Seal" and "Iowa", the words "Commission Number" followed by  
11 a number assigned to the notary public by the secretary of  
12 state, the words "My Commission Expires" followed either by the  
13 date that the notary public's term would ordinarily expire as  
14 provided in section 9B.21 or a blank line on which the notary  
15 public shall indicate the date of expiration, if any, of the  
16 notary public's commission, as required by and in satisfaction  
17 of section 9B.15, subsection 1, paragraph "e", and other  
18 information required by the secretary of state.

19 Sec. 78. Section 321I.31, subsection 3, Code 2013, is  
20 amended to read as follows:

21 3. An owner of an all-terrain vehicle shall apply to  
22 the county recorder for issuance of a certificate of title  
23 within thirty days after acquisition. The application shall  
24 be on forms the department prescribes and accompanied by the  
25 required fee. The application shall be signed and sworn to  
26 before a ~~notary public~~ notarial officer as provided in chapter  
27 9B or other person who administers oaths, or shall include a  
28 certification signed in writing containing substantially the  
29 representation that statements made are true and correct to the  
30 best of the applicant's knowledge, information, and belief,  
31 under penalty of perjury. The application shall contain the  
32 date of sale and gross price of the all-terrain vehicle or the  
33 fair market value if no sale immediately preceded the transfer  
34 and any additional information the department requires. If the  
35 application is made for an all-terrain vehicle last previously

1 registered or titled in another state or foreign country,  
2 the application shall contain this information and any other  
3 information the department requires.

4 Sec. 79. Section 462A.77, subsection 4, Code 2013, is  
5 amended to read as follows:

6 4. Every owner of a vessel subject to titling under this  
7 chapter shall apply to the county recorder for issuance of  
8 a certificate of title for the vessel within thirty days  
9 after acquisition. The application shall be on forms the  
10 department prescribes, and accompanied by the required fee.  
11 The application shall be signed and sworn to before a ~~notary~~  
12 ~~public~~ notarial officer as provided in chapter 9B or other  
13 person who administers oaths, or shall include a certification  
14 signed in writing containing substantially the representation  
15 that statements made are true and correct to the best of the  
16 applicant's knowledge, information, and belief, under penalty  
17 of perjury. The application shall contain the date of sale  
18 and gross price of the vessel or the fair market value if no  
19 sale immediately preceded the transfer, and any additional  
20 information the department requires. If the application  
21 is made for a vessel last previously registered or titled  
22 in another state or foreign country, it shall contain this  
23 information and any other information the department requires.

24 Sec. 80. Section 554.3505, subsection 2, Code 2013, is  
25 amended to read as follows:

26 2. A protest is a certificate of dishonor made by a United  
27 States consul or vice consul, or a ~~notary-public~~ notarial  
28 officer as provided in chapter 9B or other person authorized to  
29 administer oaths by the law of the place where dishonor occurs.  
30 It may be made upon information satisfactory to that person.  
31 The protest must identify the instrument and certify either  
32 that presentment has been made or, if not made, the reason why  
33 it was not made, and that the instrument has been dishonored by  
34 nonacceptance or nonpayment. The protest may also certify that  
35 notice of dishonor has been given to some or all parties.

1     Sec. 81. Section 589.4, Code 2013, is amended to read as  
2 follows:

3     **589.4 Acknowledgments by corporation officers.**

4     The acknowledgments of all deeds, mortgages, or other  
5 instruments in writing taken or certified more than ten years  
6 earlier, which instruments have been recorded in the recorder's  
7 office of any county of this state, including acknowledgments  
8 of instruments made by a corporation, or to which the  
9 corporation was a party, or under which the corporation was  
10 a beneficiary, and which have been acknowledged before or  
11 certified by a ~~notary public~~ notarial officer as provided  
12 in chapter 9B who was at the time of the acknowledgment or  
13 certifying a stockholder or officer in the corporation, are  
14 legal and valid official acts of the notaries public, and  
15 entitle the instruments to be recorded, anything in the laws  
16 of the state of Iowa in regard to acknowledgments to the  
17 contrary notwithstanding. This section does not affect pending  
18 litigation.

19     Sec. 82. Section 589.5, Code 2013, is amended to read as  
20 follows:

21     **589.5 Acknowledgments by stockholders.**

22     All deeds and conveyances of lands within this state  
23 executed more than ten years earlier, but which have been  
24 acknowledged or proved according to and in compliance with the  
25 laws of this state before a ~~notary public~~ notarial officer  
26 as provided in chapter 9B or other official authorized by  
27 law to take acknowledgments who was, at the time of the  
28 acknowledgment, an officer or stockholder of a corporation  
29 interested in the deed or conveyance, or otherwise interested  
30 in the deeds or conveyances, are, if otherwise valid, valid  
31 in law as though acknowledged or proved before an officer not  
32 interested in the deeds or conveyances; and if recorded more  
33 than ten years earlier, in the respective counties in which the  
34 lands are, the records are valid in law as though the deeds  
35 and conveyances, so acknowledged or proved and recorded, had,

1 prior to being recorded, been acknowledged or proved before an  
2 officer having no interest in the deeds or conveyances.

3 Sec. 83. Section 622.86, Code 2013, is amended to read as  
4 follows:

5 **622.86 Foreign affidavits.**

6 Those taken out of the state before any judge or clerk of  
7 a court of record, or before a ~~notary public~~ notarial officer  
8 as provided in chapter 9B, or a commissioner appointed by  
9 the governor of this state to take acknowledgment of deeds  
10 in the state where such affidavit is taken, are of the same  
11 credibility as if taken within the state.

12 DIVISION XIII

13 CORN PROMOTION BOARD

14 Sec. 84. Section 185C.1, Code 2013, is amended by adding the  
15 following new subsection:

16 NEW SUBSECTION. 4A. "*Director*" means a district elected  
17 director or a board elected director as provided in section  
18 185C.6.

19 Sec. 85. Section 185C.1, subsection 5, Code 2013, is amended  
20 to read as follows:

21 5. "*District*" means an official crop reporting district  
22 formed by the United States department of agriculture for use  
23 on January 1, 2013, and set out in the annual farm census  
24 published in that year by the Iowa department of agriculture  
25 and land stewardship.

26 Sec. 86. Section 185C.3, Code 2013, is amended to read as  
27 follows:

28 **185C.3 Establishment of corn promotion board.**

29 If a majority of the producers voting in the referendum  
30 election approve the passage of the promotional order, an Iowa  
31 corn promotion board shall be established. ~~The board shall~~  
32 ~~consist of one director elected from each district in the~~  
33 ~~state, except that a district producing more than an average~~  
34 ~~of one hundred million bushels of corn in the three previous~~  
35 ~~marketing years is entitled to two directors.~~

1     Sec. 87. Section 185C.6, Code 2013, is amended by striking  
2 the section and inserting in lieu thereof the following:

3     **185C.6 Number and election of directors.**

4     The Iowa corn promotion board established pursuant to  
5 section 185C.3 shall be composed of directors elected as  
6 provided in this chapter. The directors shall include all of  
7 the following:

8     1. Nine district elected directors. Each such director  
9 shall be elected from a district as provided in section 185C.5,  
10 this section, and sections 185C.7 and 185C.8. A candidate  
11 receiving the highest number of votes in each district shall be  
12 elected to represent that district.

13     2. Three board elected directors. Each such director shall  
14 be elected by the board. The candidate receiving the highest  
15 number of votes by the board shall be elected to represent the  
16 state on at-large basis.

17     Sec. 88. Section 185C.7, Code 2013, is amended to read as  
18 follows:

19     **185C.7 Terms of directors.**

20     ~~1. Director terms~~ A director's term of office shall be for  
21 ~~three years and no.~~ A district elected director of the board  
22 ~~shall not serve for more than three complete consecutive terms.~~  
23 A board elected director shall not serve for more than one  
24 complete term of office. A district elected director who is  
25 elected as board elected director shall not serve more than a  
26 total of four terms of office, regardless of whether any of the  
27 terms of office are complete or consecutive.

28     ~~2.~~ If the board is reconstituted pursuant to section 185C.8,  
29 the terms of the directors shall be controlled by this section.  
30 However, the initial terms of the reconstituted board shall  
31 be staggered. To the extent practicable, one-third of the  
32 elected directors shall serve an initial term of one year,  
33 one-third of the elected directors shall serve an initial term  
34 of two years, and one-third of the elected directors shall  
35 serve an initial term of three years. The initial terms of

1 board elected directors shall be determined by board members  
2 directors drawing lots. ~~The board elected under this paragraph~~  
3 ~~shall not contain two directors from the same district serving~~  
4 ~~the same term.~~

5 Sec. 89. Section 185C.8, Code 2013, is amended to read as  
6 follows:

7 **185C.8 Elections Administration of elections for directors.**

8 1. The Iowa corn promotion board shall administer elections  
9 for district elected directors of the board with the assistance  
10 of the secretary. Prior to the expiration of a director's  
11 term of office, the board shall appoint a nominating committee  
12 for the district represented by that director. The nominating  
13 committee shall consist of five producers who are residents  
14 of the district from which a director must be elected. The  
15 nominating committee shall nominate two resident producers as  
16 candidates for each director position for which an election  
17 is to be held. Additional candidates may be nominated by  
18 a written petition of twenty-five producers. Procedures  
19 governing the time and place of filing shall be adopted and  
20 publicized by the board.

21 Following recommencement of the promotional order,  
22 or termination of the promotional order's suspension as  
23 provided in section 185C.24, the secretary shall order the  
24 reconstitution of the board. An election of district elected  
25 directors shall be held within thirty days from the date of the  
26 order. The secretary shall call for, provide for notice of,  
27 conduct, and certify the results of the election in a manner  
28 consistent with section 185C.5 through 185C.7. Directors shall  
29 serve terms as provided in section 185C.7. Rules or procedures  
30 adopted by the board and in effect at the date of suspension  
31 shall continue in effect upon reconstitution of the board.  
32 The Iowa corn growers association may nominate two resident  
33 producers as candidates for each director position. Additional  
34 candidates may be nominated by a written petition of at least  
35 twenty-five producers.

1     2. The Iowa corn promotion board shall administer elections  
 2 for board elected directors. Prior to the expiration of a  
 3 board elected director's term of office, the board may appoint  
 4 a nominating committee. In order to be eligible for nomination  
 5 and election, a candidate must have previously served on the  
 6 board as an elected director. An officer of the board shall  
 7 certify the results of the election.

8     Sec. 90. Section 185C.10, subsection 3, Code 2013, is  
 9 amended by striking the subsection.

10    Sec. 91. Section 185C.14, subsection 3, Code 2013, is  
 11 amended to read as follows:

12     3. The board shall meet at least ~~once every three months~~  
 13 times each year, and at such other times as deemed necessary  
 14 by the board.

15    Sec. 92. Section 185C.21, subsection 2, Code 2013, is  
 16 amended to read as follows:

17     2. Upon request of the board, the secretary shall call  
 18 a special referendum for producers to vote on whether to  
 19 authorize an increase in the state assessment above one-quarter  
 20 of one cent per bushel, notwithstanding subsection 1. The  
 21 special referendum shall be conducted as provided in this  
 22 chapter for referendum elections. However, the special  
 23 referendum shall not affect the existence or length of the  
 24 promotional order in effect. If a majority of the producers  
 25 voting in the special referendum approve the increase, the  
 26 board may increase the assessment to the amount approved in  
 27 the special referendum. However, a state assessment shall not  
 28 exceed ~~one cent per~~ a scheduled amount assessed on each bushel  
 29 of corn marketed in this state determined as follows:

30     a. Until September 1, 2013, one cent.

31     b. For each marketing year of the period beginning September  
 32 1, 2013, and ending August 31, 2018, two cents.

33     c. For each marketing year of the period beginning September  
 34 1, 2018, and ending August 31, 2023, three cents.

35     d. For each marketing year of the period beginning September

1 1, 2023, and ending August 31, 2028, four cents.

2 e. For each marketing year beginning on and after September  
3 1, 2028, five cents.

4 Sec. 93. Section 185C.27, Code 2013, is amended to read as  
5 follows:

6 **185C.27 Refund of assessment.**

7 A producer who has sold corn and had a state assessment  
8 deducted from the sale price, by application in writing to  
9 the board, may secure a refund in the amount deducted. The  
10 refund shall be payable only when the application shall have  
11 been made to the board within sixty days after the deduction.  
12 Application forms shall be given by the board to each first  
13 purchaser when requested and the first purchaser shall make the  
14 applications available to any producer. Each application for  
15 refund by a producer shall have attached to the application  
16 proof of the assessment deducted. The proof of assessment  
17 may be in the form of a duplicate or certified copy of the  
18 purchase invoice by the first purchaser. The board shall have  
19 thirty business days from the date the application for refund  
20 is received to remit the refund to the producer. The board  
21 may provide for refunds of a federal assessment as provided by  
22 federal law. Unless inconsistent with federal law, refunds  
23 shall be made under section 185C.26.

24 Sec. 94. IMPLEMENTATION. The Iowa corn promotion board  
25 established pursuant to section 185C.3 shall implement this  
26 Act.

27 1. During the implementation period all of the following  
28 shall apply:

29 a. The board shall provide for staggered terms of directors  
30 in the same manner as required for the initial terms of office  
31 of a reconstituted board pursuant to section 185C.7. However,  
32 the board is not required to draw lots as otherwise provided in  
33 that section.

34 b. The board is not required to fill a vacancy for an  
35 unexpired term as required in section 185C.9.

1 c. The board may reduce the number of years of a director's  
2 term in order to comply with this section.

3 2. The board shall complete implementation of this Act not  
4 later than July 1, 2014.

5 Sec. 95. EFFECTIVE UPON ENACTMENT. This Act, being deemed  
6 of immediate importance, takes effect upon enactment.

7 DIVISION XIV

8 APPORTIONMENT OF TRANSPORTATION FUNDS — APPROPRIATION

9 Sec. 96. Section 312.3, subsection 2, Code 2013, is amended  
10 by adding the following new paragraph:

11 NEW PARAGRAPH. d. For purposes of apportioning among the  
12 cities of the state the percentage of the road use tax fund to  
13 be credited to the street construction fund of the cities for  
14 each month beginning April 2011 and ending March 2021 pursuant  
15 to this subsection, the population of each city shall be  
16 determined by the greater of the population of the city as of  
17 the last preceding certified federal census or as of the April  
18 1, 2010, population estimates base as determined by the United  
19 States census bureau.

20 Sec. 97. STREET CONSTRUCTION FUND — APPROPRIATION.

21 1. In a written application to the treasurer of state  
22 submitted by October 1, 2013, a city may request an  
23 additional distribution of moneys to be credited to the street  
24 construction fund of the city equal to that additional amount,  
25 calculated by the treasurer, that the city would have received  
26 if the funds were apportioned based upon the population of the  
27 city as determined by section 312.3, subsection 2, paragraph  
28 "d", as enacted in this division of this Act, for the months  
29 prior to the effective date of this division of this Act.

30 2. Upon determination by the treasurer of state that an  
31 additional amount should be credited to a city as provided by  
32 this section, there is appropriated from the general fund of  
33 the state to the department of transportation, for the fiscal  
34 year beginning July 1, 2013, and ending June 30, 2014, an  
35 amount sufficient to pay the additional amount which shall be

1 distributed to the city for deposit in the street construction  
2 fund of the city.

3     Sec. 98. EFFECTIVE UPON ENACTMENT. This division of this  
4 Act, being deemed of immediate importance, takes effect upon  
5 enactment.

6     Sec. 99. RETROACTIVE APPLICABILITY. This division of this  
7 Act applies retroactively to April 2011.